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## Beer

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**N. Goldring**  
Agent,

Pensacola, Fla.

## NEW RAILROAD FROM PENSACOLA TO ANDALUSIA

**COUNCIL PASSED ORDINANCE YESTERDAY ON FIRST READING GRANTING FRANCHISE FOR THE PROJECTED LINE.**

The City Council met in special session yesterday forenoon to consider the application for a franchise for a railroad to be built from Pensacola to Andalusia, Ala., and the following ordinance granting such franchise was read the first time:

### AN ORDINANCE

Granting the Right of Way Through, Over, Along and Across Certain Streets in the City of Pensacola.

Be it ordained by the Council of the City of Pensacola, Florida, and Mayor thereof:

Section 1. That P. C. Brent, C. M. Covington, J. A. Chaffin, C. W. Lamar and J. C. Avery, shall have and are hereby granted the right-of-way for a railroad and the right to own, construct, maintain and operate and run by steam or electricity, locomotives, engines and cars thereon, over, along, across and through the following named streets, to-wit: Beginning at the northern border of the City where Olivia Street touches the northern border, thence down the east half of Olivia Street to Garden Street, thence across Garden Street to Block fifty-eight (58) and fifty-seven (57), Maxent Tract, to and along Hannah's Alley to Reus Street, and also to Spring Street, and from said tract down Reus Street to the pier head line established by the United States government; and also beginning at the northern border of the city where C Street touches the northern border, thence down C Street to Garden Street, thence along Garden Street to Olivia Street.

The right-of-way herein granted for a railroad is intended to extend and apply to double tracks, except on Olivia Street, where there shall be but one track, with the privilege of running spur tracks into the yards, depots and warehouses of the grantees, their associates and assigns, at such places and in such number as the city council may determine upon application by them.

The west side of Olivia Street is reserved for a grant heretofore made or hereafter to be made by the City Council to such other railroad as it may desire.

Section 2. That there shall be, and is, hereby granted to the said grantees, their associates and assigns, the use of the public streets of the City to the extent necessary to enable them, the said grantees, their associates and assigns, to construct their road on and over certain lots in block eight (8) of the Maxent Tract, thence on and over such portion of Garden Street between Olivia and Donaldson streets as will be necessary to construct a curve which will admit of reaching a certain public alley extending through Blocks fifty-five (55), fifty-six (56), fifty-seven (57) and fifty-eight (58) of the Maxent Tract, said curve to be constructed on and over certain lots in Blocks fifty-seven (57) and fifty-eight (58) of the Maxent Tract; and there is also hereby granted to them for passenger depot and terminal purposes all that the city owns west of and bordering on Spring Street and lying between Garden and Roman streets.

There is also granted to the grantees, their associates and assigns, the right to build along Garden Street, from Olivia Street westward, for such distance as may be necessary to make the tracks required to construct a "Y" in connection with the tracks running eastward from Olivia Street to Spring Street, herein before mentioned, such "Y" is to reach from the point where D Street crosses Garden Street on the southerly side, to Olivia Street at its intersection with the southerly side of Andalusia Street, and on the northerly side of Olivia Street to Gregory Street.

There is also granted to the grantees, their associates and assigns, the right to extend south on the east half beyond said "Y" on Olivia Street, a sufficient distance necessary to make the head required for said "Y" and the privilege is further granted to said grantees, their associates and assigns, of closing the streets including in the triangle of said "Y" with the exception of Olivia Street and Garden Street. Said "Y" to be for the joint use of the grantees, their associates and the other road designated by the city upon the terms and conditions fixed as herein before provided.

Section 3. That there is hereby granted to said grantees, their associates and assigns all the right, title and interest of the said city of Pensacola, in and to the space between the shore line on the north and the pier headline established by the United States government and between Barcelona Street on the east and De Villier Street on the west for the purpose of constructing thereon piers and warehouses, and the laying of tracks thereon, and also the right to build wharves on Reus Street, and lay tracks thereon, as required by the business of the said road. The grant hereby made and the rights hereby conferred are subject to the provision of the Act of the legislature granting said space to the city of Pensacola.

Section 4. The right is reserved to the city to grant the privilege to other railroads to cross any track laid on the streets hereby granted and to pass and enforce such reasonable regulations and requirements as to the manner of operating the railroad upon any of the streets or wharves and the location of tracks as it may deem necessary and proper.

Section 5. Work on the main line shall be commenced within six (6) months from the passage of this ordinance, and work on the spur tracks and wharf shall be completed from time to time as the necessities of business require and the road shall be built from Pensacola to Andalusia, Alabama, within eighteen (18) months

from the acceptance of this ordinance.

A failure to comply with any of the requirements of this section shall operate as a forfeiture of all grants, rights and privileges granted under this franchise. If any street or wharf not now covered by water shall not be occupied for railroad purposes under the privileges herein conferred within two (2) years from the passage of this ordinance, the privileges herein granted shall cease also as to any such street or wharf, if the railroad shall discontinue the use thereof, for twelve (12) consecutive months, after having made use of such street or wharf, in the manner provided by this ordinance and any privileges herein conferred which shall not be availed of within two (2) years from the passage of this ordinance by the grantees, their associates and assigns, shall cease to exist.

Section 6. Nothing in this ordinance shall be construed to permit the construction of any tracks or other structures upon any land held by valid lease or other title by persons other than said grantees, their associates and assigns from the city until the termination of such leases or other title or the same has been acquired by said grantees, their associates or assigns by purchase or otherwise.

Section 7. The City of Pensacola granting the rights, privileges and franchises herein mentioned shall be held only as granting such as it has the power to grant and not as warranting the same or subjecting itself to any damage or liability whatever that may occur by reason of granting the same, and the said grantees, their associates and assigns release the City of Pensacola from any liability for any damages to them whatever occasioned or arising by reason of the adoption of this ordinance or by reason of the exercise or enjoyment of any rights, privileges and franchises which are hereby granted and they shall indemnify the City of Pensacola of and from any and all liability to which they may be subjected.

Section 8. The tracks of the said railroad in all the streets above mentioned shall be laid and maintained upon the grade designated therefor by the city authorities, except that where no grade therefor shall have been established by the city authorities, prior to the construction of said road bed, said grantees, their associates and assigns, shall have the right to conform as nearly as practicable to the natural grade of the land; but in all cases the railroad bed and tracks shall be made to conform to the grade from time to time thereafter established therefor by the city authorities and upon all the streets heretofore mentioned said tracks shall be laid and maintained so as to admit of the free and easy passage of vehicles, along and across any and every part of said streets.

Section 9. That the said grantees, their associates and assigns, shall keep and maintain the streets between its tracks and for eighteen (18) inches on either side thereof, in the same condition as the city shall keep or require to be kept the same streets adjacent to the tracks occupied by said tracks and shall construct and maintain all necessary intersecting streets crossings over their said road bed and tracks, and whenever the city or abutting property owners on any of said streets shall improve, grade or pave any street or part of street upon which said grantees, their associates or assigns, shall construct their said tracks, or any part thereof, the said grantees, their associates and assigns, shall at the same time or upon notice given by the proper city authorities, improve, grade or pave the space between their rails and tracks and for



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eighteen (18) inches on each side thereof, in the same manner and with the same material as is used in improving, grading or paving the remainder of said street, adjacent to the said rails and tracks, and shall maintain the same in good order, and condition to the satisfaction of the proper city authorities in accordance with the terms of the charter or ordinance of the city of Pensacola. Provided, however, if the character of paving used by the city is unsuitable to a railroad track then the construction and maintenance of said right-of-way in some other material to be approved by the City Engineer, shall be a sufficient compliance with this ordinance.

Section 10. The rights, franchises or privileges herein granted may be availed of by the grantees and their associates, and the grantees, their associates and assigns shall have the right to assign the same to a corporation hereinafter to be organized for the purpose of building and operating said railroad from Pensacola, Fla., to Andalusia, Ala., and the grantees and their associates cannot sell or alienate such rights, franchises or privileges for speculative profits, but upon the completion of said railroad, said rights, franchises and privileges shall remain forever the property of said corporation and its assigns and a deed shall be executed by the city to said corporation or its assigns of the grant covered by section three.

Section 11. All laws or parts of laws now existing on the records of the city of Pensacola in conflict with any of the foregoing rights, privileges, powers and franchises herein conveyed and granted to the said P. C. Brent, C. M. Covington, J. A. Chaffin, C. W. Lamar and J. C. Avery, or their assigns, are hereby declared repealed. Provided that this section shall not be construed to affect any previous and now existing grant of any right or privilege to any other person or corporation.

Section 12. The grantees and their associates or assigns shall be allowed ten days from the passage of this ordinance within which to file a written acceptance of the same in the office of the clerk of the city of Pensacola, Florida. If said acceptance is not filed with the said city clerk of Pensacola as above provided within ten days from the passage of this ordinance, then all the grants, rights and privileges granted under this franchise shall terminate and the said grantees, their associates and assigns shall cease to have any further interest or rights thereunder.

### KAN'T COMPETE SALE.

The Kan't Kompete Store is still slashing at prices of spring and summer clothing, hats and gent's furnishings. Read the big ad in to-day's issue and see if you are not tempted to buy what you need now.

### SOLILQUY OF A RUSSIAN ADMIRAL.

Togo or not Togo—that is the question. For if to go be not Togo, yet still To stay may be Togo—so there's the rub. Say, is it nobler in our hulls to take The shells and mines of these unerring Japs, And being rattled in the thick of fight To add our own to help the work along, Or show clean heels across the Chinese sea,

To rest in peace secure, perchance to dream Of trawlers that we think are torpedo boats?

And yet to go may be Togo, alas! His very name by losing is not lost. His multifarious spirit walks abroad O'er all the world-wide seas. And should we flee, No mariner escapes, confuses the will And makes us rather face the Japs we know.

Than heedless to fly to those we know not of, 'Tis thus these Japs make cowards of us all.

Could I thus set a steady foot on land, I'd hit the trail across Siberia's plain, Where Togo's not allowed to go; and haste To throw my sword before the mighty czar

And hear with joy his word of punishment; "Back to the mines!"—be they not Japanese.

—Garret Smith, in New York Tribune.

## MUNICIPAL PROGRESS

(Continued from First Page.)

are (1) the transferring of the time of city elections to the non-political years, that is to say away from the years of presidential or state and county elections; (2) the establishment of a permanent non-partisan Board of Public Works, that feature of the city's business having heretofore rested with a committee of the council with most unfortunate results; (3) the extension of the civil service to all departments and including the registration of laborers; (4) abolition of the elective office of street superintendent, making it a department under the Board of Public Works; (5) the preliminary steps toward the consolidation of city and county assessor and tax collector; (6) limitation of railway franchises to twenty-one years. The mere enumeration of these changes will indicate no doubt the extent to which the whole system was put of true when the work of reform began, and there is no need to explain that evils so fundamental and of so long standing cannot be remedied by the mere enactment of laws. The adoption of a competitive merit system for example does not mean the immediate establishment of a highly competent municipal service—time and eternal vigilance and an educated public sentiment all are needed to the working out of that end. The Los Angeles Civil Service Commission has adopted stringent rules with respect to the participation in politics of city employees, and a practical demonstration was given of the working of these rules by the removal of several violators. Heretofore our city conventions have been largely dominated by direct city hall influences, and the caucuses and primaries and polls on election day have been run by city employees. This practice has now ceased with a marked improvement in the whole field of city politics.

The fear experienced by many partisan workers that under the new regime nobody would be left to manage politics has been shown to be entirely baseless, for a great body of citizens that heretofore manifested but little interest in such matters are now making up and taking an active hand.

The Recall. But the entirely unique feature of the Los Angeles charter is the Recall. It is a plan whereby if twenty five per cent of an elective officer's constituents sign a statement to the effect that they are dissatisfied with his course, an election is called forthwith and he must contest for the place as to the remainder of the term, with any that may be nominated against him. The Recall has been actually used once and public opinion now strongly favors the system. Its value as a permanent political institution cannot be determined by one experiment, but there are certain objections that were offered to the system before its adoption which our two years of experience with it seems to have abolished. One was that it would discourage men from seeking office. Two months after the recall election, the regular municipal nominating conventions were held and a larger percentage of good men entered the contest than at any time previously.

Second, it was urged that the recall would be evoked for partisan purposes, and that frequent changes in the personnel of offices would result. But as a matter of fact it is a pretty serious undertaking to secure the signatures of twenty-five per cent. of the voters, each name witnessed and sworn to as the law provides. Moreover, there is the American sentiment of fair play to be reckoned with, which will protect the officer who means to do what is right.

Since the Los Angeles experiment, four neighboring California cities, Pasadena, Fresno, San Bernardino and San Diego, have incorporated the recall in their charters. In the case of Pasadena, the committee framing the charter, composed almost exclusively of officeholders, refused to include the recall, and the people promptly forced it in by initiative petition.

Municipal Franchises. When the amendment to the charter limiting street railway franchises to twenty-one years was proposed, Mr. Huntington, who owns the Los Angeles roads, announced that he would make no further additions to his lines. The amendment carried, however, and several franchises have already been asked and granted, and more are presently to follow. The franchises of the general system have thirty-five years more to run. Agitation is active for a municipal gas plant, the Mayor having recommended it and several councilmen declared in its favor. A bill passed the last legislature allowing streets in cities to form assessment districts to put in special lighting systems and one street has an artistic and beautiful set of posts over a mile and a half in length already in place. Three others are to follow suit; and when that work is completed Los Angeles will be the most beautifully lighted city in the Union.

Serious Stomach Trouble Cured. I was troubled with a distress in my stomach, sour stomach and vomiting spells, and can truthfully say that Chamberlain's Stomach and Liver Tablets cured me.—Mrs. T. V. Williams, Laingsburg, Mich. For sale by all druggists.

Meeting Postponed. On account of the hall being employed, the Municipal Ownership League meeting will take place Thursday instead of Wednesday. H. H. BOULTER, Secretary.

NOTICE OF MEETING. There will be a meeting of the East Hill Boating and Bathing Club Monday night, May 1, at 7:30 o'clock, at H. H. Boyer's residence. 29april2t

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